IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

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WRIT PETITION NO : 11043 of 2004

Between:

Pasham Radhika, w/o Sri P.Rama Krishna Reddy,
r/o 6-3-775, Punjagutta Colony, Hyderabad-500 016. **PETITIONER**

AND

1 The Deputy Commissioner, Endowments Department, Hyderabad.
2 The Asst. Commissioner, Endowments Department, Hyderabad.
3 The Executive Officer, Person in Management,
Sri Seetharama Swamy Temple, Dever Yamjal Village,
Shameerpet Mandal, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus and declare the action of the first respondent in passing impugned order No.29 of 27-01-04 Endowment Department in O.A.No.93 of 1999 is illegal, arbitrary and contradictory to the provisions under Sec.83 of A.P. Charitable and Hindu Religious Institution Act 1987 as the impugned orders was passed without any notice to the petitioner as contemplated under Section 83 and consequently set aside the impugned order No.29 of 27-01-2004 Endowment Department in O.A.No.93 of 1999.

Counsel for the Petitioner: MR.K.ASHOK REDDY

Counsel for the Respondents 1 & 2 : GP FOR ENDOWMENTS

Counsel for the Respondent No.3: Mr.K.Ravi.

The Court made the following :

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O R D E R :

Heard both sides and at their request, the Writ Petition itself is taken up for disposal.

The petitioner herein, who claims to be in possession and enjoyment of the property in question, filed this Writ Petition, *inter alia,* claiming to assail order No.29, dated 27.01.2004 in O.A.No.93 of 1999 passed by the first respondent, as illegal and contrary to the provisions of Section 83 of the A.P. Charitable and Hindu Religious Institution Act, 1987.

Apart from raising several other questions in regard to the entitlement in respect of the property in question, the main grievance of the petitioner is that the impugned orders were passed without properly providing opportunity and without issuing due notice to her and that she is deprived of her legitimate right to substantiate her case and also to defend the impugned action. There is no dispute in regard to the fact that there was no service of notice on the petitioner before passing the impugned order. In view of the same, it is not necessary to go into the merits of the case.

The Writ Petition is, therefore, allowed setting aside the impugned orders passed by the first respondent. The matter is remitted back to the first respondent for reconsideration after giving notice and opportunity to the concerned parties. It shall, however, be open to both sides to raise their pleas and objections, which will be heart and considered on merits. No costs.

27.10.2004

DRK

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice
on Wednesday the twenty seventh day of October, 2004.

Assistant Registrar

/True copy/

Section Officer.

Copy to :

1 The Deputy Commissioner, Endowments Department, Hyderabad.

2 The Asst. Commissioner, Endowments Department, Hyderabad.

3 The Executive Officer, Person in Management,
Sri Seetharama Swamy Temple, Dever Yamjal Village,
Shameerpet Mandal, Ranga Reddy District.

4 Two CCs to the G.P. for Endowments, High Court of A.P., High Court buildings, Hyderabad (o.u.t.).

5 Two CD copies.